

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY g D.C.
05 JUN 27 PM 12:3

ROBERT E. DI TOLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

LOUIS MITCHELL and BETTY
FOSTER, as parents and next friends
of DANIEL MITCHELL, deceased,

Plaintiffs,

v.

MARKUS MCNEIL a/k/a MARCUS
MCNEIL, et al.,

Defendants.

NO. 05-2221 Ma/An

RULE 16(b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates were established as the final dates for:

INITIAL DISCLOSURES (RULE 26(a)(1)):	June 30, 2005
JOINING PARTIES:	August 15, 2005
AMENDING PLEADINGS:	September 15, 2005
COMPLETING ALL DISCOVERY:	
(a) FACTUAL DISCOVERY:	June 30, 2006
(b) EXPERT DISCLOSURE (Rule 26(a)(2)):	
(i) Plaintiff's Experts:	March 30, 2006
(ii) Defendant's Experts:	May 30, 2006
(iii) Supplementation under Rule 26(e):	June 20, 2006
(c) EXPERT DISCOVERY:	August 30, 2006
FILING DISPOSITIVE MOTIONS:	October 15, 2006

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 5 days. The presiding judge will set this matter for **JURY TRIAL**. The trial, pretrial conference, and pretrial order due date will be set by the presiding judge. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, the parties have not given consideration to whether they wish to consent to trial before the magistrate judge. The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

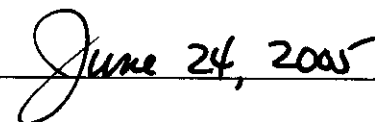
The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.



S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: 



Notice of Distribution

This notice confirms a copy of the document docketed as number 26 in case 2:05-CV-02221 was distributed by fax, mail, or direct printing on June 28, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT